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WILMERHALE

October 11, 2011

Robert J. Gunther, Jr.

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Hon. Richard J. Sullivan  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

MEMO ENDORSED

Re: Enzo Biochem, Inc., et al. v. Amersham plc, et al. (No. 02 Civ 8448)  
Enzo Biochem, Inc., et al. v. Molecular Probes, Inc. (No. 03 Civ 3816)  
Enzo Biochem, Inc., et al. v. PerkinElmer, Inc., et al. (No. 03 Civ 3817)  
Enzo Biochem, Inc., et al. v. Orchid Biosciences (No. 03 Civ 3819)  
Affymetrix, Inc. v. Enzo Biochem, Inc., et al. (No. 03 Civ 8907)  
Enzo Life Sciences, Inc. v. Affymetrix, Inc. (No. 04 Civ 1555)  
Roche Diagnostics GmbH et al. v. Enzo Biochem, Inc. et al. (No. 04 Civ 4046)

Dear Judge Sullivan:

This letter is submitted jointly on behalf of defendants and/or declaratory judgment plaintiffs Amersham, Molecular Probes, Orchid Biosciences, Affymetrix, Roche Diagnostics GmbH, Roche Molecular Systems, and PerkinElmer. Please accept this letter as an application for an order sealing Exhibits 19, 26, 31, 37, 40, and 42-45 to the Declaration of Robert J. Gunther, Jr. in support of the joint motion for summary judgment that the defendants and/or declaratory judgment plaintiffs intend to file and serve today. Those exhibits contain highly confidential information that is covered under (1) the confidentiality provisions of certain distributor agreements between the parties, and/or (2) the protective orders in the above-referenced actions. The Court (per the Honorable John Sprizzo) granted a similar application in connection with the defendants' and/or declaratory judgment plaintiffs' previous joint motion for summary judgment. *See* Dkt. No. 172, *Enzo Biochem, Inc., et al v. Amersham PLC, et al.* 02-cv-08448 (S.D.N.Y.).

Accordingly, I respectfully ask the Court grant this application for an order sealing Exhibits 19, 26, 31, 37, 40, and 42-45 to the Declaration of Robert J. Gunther, Jr. in support of the joint motion for summary judgment.

Thank you for your consideration.

SO ORDERED  
Date:

RICHARD J. SULLIVAN  
U.S.D.J.

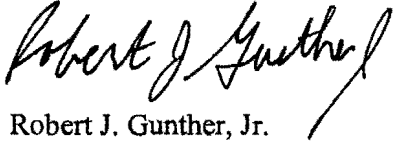
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Beijing Berlin Boston Brussels Frankfurt London Los Angeles New York Oxford Palo Alto Waltham Washington

October 11, 2011

Respectfully yours,

A handwritten signature in black ink, reading "Robert J. Gunther, Jr." with a stylized flourish at the end.

Robert J. Gunther, Jr.

cc: Counsel of Record